

**TOWN OF GILBERT
PLANNING COMMISSION - STUDY SESSION**

**Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
December 4, 2019**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
Noah Mundt
Scott September
Jän Simon
Philip Alibrandi, Alternate

COMMISSION ABSENT:

David Cavenee
Les Smith
Nathan Mackin, Alternate

STAFF PRESENT:

Sydney Bethel, Planner II
Keith Newman, Planner II
Josh Rogers, Planner II
Amy Temes, Senior Planner
Nathan Williams, Senior Planner
Eva Cutro, Planning Division Manager
Nancy Davidson, Assistant Town Attorney

RECORDER:

Dana Desing

COUNCIL LIAISON PRESENT:

Brigette Peterson

CALL TO ORDER

Chair Brian Andersen called the December 4, 2019 Planning Commission Study Session to order at 5:03 p.m.

1. DR19-150 FOX EARTH STATION: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approx. 3.57 acres, generally located east of the southeast corner of Horne St. and Merrill Ave., and zoned Light Industrial (LI).

Planner Keith Newman presented DR19-150, Fox Earth Station for Design Review. The property is located east of the northeast corner of Horne Street and Merrill Avenue and consists of four existing pre-platted lots in the Fuller Industrial Park. There are other existing developments and buildings in the surrounding area and staff is happy that the industrial park is filling in. The applicant is proposing to construct a new satellite earth station on 2.8 acres with an unmanned 4,700 square-foot single-story building located approximately in the middle of the site as well as twenty 4.6-meter antennas and four 9-meter satellite dishes. The antennas are approximately 17.5 feet tall and will be located towards the back of the project site. The 9-meter (30-foot) satellite dishes will be located towards the front of the site. Landscaping will provide screening of the equipment from Merrill Avenue with Palo Verde trees planted 25-feet on center. Once the trees mature, the tops of the satellite dishes will be barely visible. The site will be accessed via two existing cul-de-sacs and maintenance vehicles will enter off of Melba Court through a gated access and exit onto Leland Court through a gated access. Five parking stalls are proposed for the site, although technically none are required as there are no parking calculations for this type of facility in the Land Development Code. Staff is grateful that the applicant is providing these parking stalls, although they will be seldom used mostly for maintenance purposes. The applicant has stated that the facility may be visited by a technician once or twice a month. All of the landscaping is proposed along the perimeter of the property and no landscaping is required on the interior of the development. There will be a combination of 8 and 10 foot walls along the frontage of the property on Merrill Avenue and 8 foot walls towards the rear of the property to provide screening from the surrounding properties and the public.

The building elevations show a single-story concrete building with variations through exposed aggregate and ribbed concrete. Staff did not feel additional horizontal movement was necessary and liked the materials used for this type of industrial building that would be unmanned 99% of the time. On the south elevation, there are garage doors and mechanical equipment which will be screened by the 8-foot wall. A rendering was provided showing the placement and height of the antennas compared to mature trees and screen walls. The building colors include tan and white. The floor plan shows the mechanical rooms, generators, and office and storage space.

Staff is requesting input from the Commission regarding the overall building architecture and design of the site.

COMMISSION QUESTIONS/COMMENTS:

Commissioner September felt it was a nice design for an unmanned satellite earth station. He appreciated the wall surrounding the facility as well as the depth and movement. He appreciated the tree canopy to help mitigate any visual impact of the larger antennas. He has seen other such facilities around town and mentioned one on Guadalupe Road that does not look as nice as this. He appreciated the effort in the design.

Mr. Newman noted that the applicant is looking to obtain construction documents at risk for this project and this item will come back before the Commission next month hopefully on the consent calendar.

2. DR19-175 MESA CUSTOM MACHINING CORP: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.4 acres, generally located at 1640 West Sunrise Boulevard, and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

Planner Sydney Bethel reviewed the subject site of 2.8 acres zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay, located west of the northwest corner of McQueen Road and Sunrise Boulevard within the Sunrise Business Park. This business park was originally platted in the mid-80s and has been slowly filling in. The proposal is for an addition of just under 12,000 square feet to an existing building of just under 15,000 square feet that was constructed in the mid-1990s. The addition will be for the existing manufacturing business, Mesa Custom Machining Corporation. All of the site improvements are existing on the site area. The master site plan that was originally approved in 1995 shows the existing Building B as well as Building A as the proposed addition. The addition was proposed and approved in 2007, although it was not constructed. The colors and materials are either the same or very comparable to the existing building with CMU block and variation in color with grays and a blue accent. The building elevation has a slight variation with the parapet roofline. The proposal is in line with the existing development and what was originally approved in 1995 and 2007.

Staff is requesting general feedback from the Commission regarding the site design and whether approval may be granted administratively after any outstanding comments have been addressed.

COMMISSION QUESTIONS/COMMENTS:

Vice Chair Bloomfield noted that this project has been approved twice before and he appreciated that the economy was now good enough for the applicant to build at this time. He felt the applicant did a great job. He would support the project moving forward with administrative approval.

Chair Andersen confirmed that the rest of the Planning Commission agreed to administrative approval for this project.

3. GP19-09 THE BUNGALOWS ON ASH: Request for Minor General Plan Amendment to change the land use classification of approx. 15.91 acres generally located north of the northeast corner of Gilbert Rd. and Houston Ave., from General Commercial to Residential > 8-14 DU/Acre.

Z19-21 THE BUNGALOWS ON ASH: Request to rezone approx. 15.91 acres generally located north of the northeast corner of Gilbert Road and Houston Ave. from General Commercial (GC)

zoning district with a Planned Area Development (PAD) overlay to Multi-Family-Low (MF-L) zoning district with a Planned Area Development (PAD) overlay.

DR19-143 THE BUNGALOWS ON ASH: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 15.91 acres, generally located north of the northeast corner of Gilbert Rd. and Houston Ave., and pending rezoning to Multi-Family-Low (MF-L) zoning district with a Planned Area Development (PAD) overlay.

Planner Josh Rogers reviewed the Minor General Plan Amendment, rezone and design review for The Bungalows on Ash. The site is located north of the northeast corner of Gilbert Road and Houston Avenue, north of the existing Sam's Club and south of the existing Dignity Health facility. The original master plan for medical office, retail, and shopping center was approved in the late 1980s, although nothing ever came of it. A few years later, Price Club came in with a development plan and amended the original PAD for a main anchor club store and associated restaurants and other facilities along Gilbert Road. The Bungalows site was originally intended as a Phase 2 with a large anchor tenant and supporting restaurant and retail along the street. In the early 1990s, five or six different developments were approved for those supporting industries including an IHOP, Kyoto Bowl, and a few others, although because there was no main anchor tenant, those were never built.

The applicant is requesting a General Plan Amendment to change from General Commercial to Residential >8-14 DU/Acre. The site itself is almost 16 acres and this development plan will have an average density of 11 DU/Acre. The rezoning request is to go from General Commercial (GC) PAD to Multi-Family-Low (MF-L) with a PAD. Internal meetings have been held with the applicant and as a result the amount of deviations requested has been drastically reduced. The only deviations being requested are a decrease in the internal building separation requirement from 20' to 10' as well as a perimeter wall modification from the required 8' to 6' for aesthetic purposes. Staff has requested that the building be limited to one story. The applicant is proposing 166 units with a mix of one, two, and three-bedroom units.

Staff has noted that rezoning this site from General Commercial to Multi-Family will result in increased setbacks for the neighboring properties to the north and the Sam's Club to the south in the event they ever want to add to their properties or redevelop those sites in the future. If these requests were to be approved, the current building setback of 20' would increase to 75' next to Multi-Family and would place a burden on the neighboring sites for any future development. Staff would like feedback from the Commission regarding this concern.

The proposed project will have one main entry off of Gilbert Road with a fire access to the north. The exhibit provided is the original site plan which shows combined private and public open space with private back yards along the perimeter. Through discussions with staff, the applicant decided that was not the best plan. An updated site plan has not yet been submitted. The Development Plan is currently the most accurate version to date and includes a walking trail and trees in the perimeter landscape area. There is a lush landscape plan with central open space as well as a fire pit area along the eastern boundary of the site that connects to the public park to the east. There are no internal separation walls except for those separating the individual back yards of the homes. The wall plan contains a mix of theme walls and view fencing. The applicant is proposing for rent single-story detached multi-family units that resemble single-family homes. There will be a mix of single-story one-bedroom attached units with side entry and 2-bedroom and 3-bedroom single-family units. The details are still being worked out with regard to attached or detached garages. There will be a central office as well as a clubhouse. Staff is looking for input from the Commission regarding the general site design and elevations.

COMMISSION QUESTIONS/COMMENTS:

Vice Chair Bloomfield noted staff's concerns regarding future setbacks for the adjacent properties. He did not see how that would affect Sam's Club much as it has been there for 20 or 30 years. Dignity Health has an open pad that is available for development. He asked if this was a big enough concern for staff to request that the applicant notify and obtain letters from the adjacent property owners regarding this proposal or has there been sufficient notification and public meetings.

Mr. Rogers stated staff is looking at different options for enhanced notification to ensure that the adjacent property owners understand the impact this rezone and General Plan change will have on their properties.

Vice Chair Bloomfield asked if an exemption or reduced setback would be possible in the future if Dignity Health were to develop into the new setback.

Mr. Rogers stated that Dignity Health would have to go through the PAD themselves for a modification. Staff is also researching other options. As long as Dignity Health stays with the approved plan, that would be vested. He noted that the Sam's Club is 30 years old and many of their locations have closed in recent years. If a new tenant came in and wanted to redevelop or add to the site, the new setback would present a fairly significant impact with an area of approximately 50 by 700 feet.

Vice Chair Bloomfield was concerned that those affected property owners may not have had an opportunity to voice their concerns with the impact this project would have on their setbacks. With regard to the design review, he asked if the adjacent park to the east of the site was associated with this neighborhood or was it an area that is maintained by the town. Does the retention spill over into that area as part of the overall master plan?

Mr. Rogers advised that the adjacent area is just a public park. He did not have the information immediately available regarding the retention and drainage but will obtain that for the Commission.

Commissioner Alibrandi did not feel that changing from General Commercial to residential would be considered a minor amendment. He has served on this Commission for over a year and it seems that there are many requests to go from General Commercial or Light Industrial towards residential. He has never seen that go the other way. He understood that the location is an issue and we want good multi-family in town as well, although he asked if there was any way to track the number of parcels going from commercial or industrial to residential. He has voiced the concern before that with this trend we may find in 20 years that we have allowed so many things to go to residential that there is not enough commercial left for employment areas so that we can have places to live, work and play in Gilbert.

Mr. Rogers stated that staff does keep tabs on a daily basis regarding how much land is in each category and that information is available. He noted that most of the services are paid for by commercial and the town does not earn a lot of tax dollars from residential. That is all taken into consideration when these types of rezoning requests and General Plan changes come through. He agreed that the town is running out of commercial land.

Commissioner Alibrandi stated there have been a number of situations where small slivers of an overall package were changed to residential. It makes sense to be able to live, work and play in the same area. He understood that this infill area has been empty for many years and this is an opportunity to develop it. He did not want to get in the way of people doing what they want with their land; however, the owner purchased this land with the known zoning and General Plan. He was concerned that everyone feels they can come in and change these things. We want to encourage smart growth and development, although his concern is that there be some oversight as to how much is being moved to residential and that we retain the ability to grow the commercial and light industrial base 5, 10, or 20 years in the future.

Mr. Rogers stated that staff does work with internal departments, especially Economic Development, to keep tabs on these changes as well as making recommendations based off of those findings.

Eva Cutro, Planning Division Manager, stated that is something that is considered with the update to the General Plan and the Land Use Map. No one knows what the magic number would be as trends change and industry changes. It is something that is watched and staff works with Economic Development to review any changes to zoning. The Chamber of Commerce also looks at such changes. While staff and many of our residents share Commissioner Alibrandi's concern, it is something that is monitored knowing that we do need to preserve our employment and retail areas. We do want the live, play, work combination. The General Plan is reviewed annually and updated every 10 years.

Commissioner Alibrandi recommended having a specific number in place within the General Plan to be preserved for commercial and industrial. As a true Planning Commission, if a developer is following the master plan, we shouldn't be looking at such changes.

Commissioner Mundt asked if all of the past changes in zoning would be taken into account as we develop new percentages for the General Plan update.

Ms. Cutro advised that the Land Use Map will be updated as well in conjunction with the General Plan update and such changes are taken into account in that process.

Chair Andersen asked how long this site has been vacant.

Mr. Rogers advised that the first commercial development plan was brought in the late 1980s. There have been five or six supporting retail shops and restaurants along Gilbert Road that were approved but were never built as there was no anchor tenant at the time. Historically, this has been a tough site for commercial development.

Chair Andersen understood Commissioner Alibrandi's point and agreed 100% that land owners should be able to do what they want with their land. This is a commercial site that has been sitting vacant for 30 years and the land owner has had a hard time getting it developed as a commercial site. They now have an opportunity for residential to come in. He agreed that it is a weird spot for a multi-family site separating the two commercial sites with Dignity Health and Sam's Club. He noted that years ago, Chandler Boulevard was a two-way dirt road and farm land. He felt most people back then thought it would still be farm land 20 years out. It is just a progression of development and trending. He would support the zoning change on this site.

Commissioner Alibrandi noted this empty site is next to Dignity Health with other commercial and retail above and below the site as well as it being right on a major thoroughfare in town within two miles of the US60. If it were Light Industrial or Commercial, he would be all for it, although if there is a recession in the next few years, we will probably have a lot of empty buildings. The dilemma is that 20 years from now we will have all these homes and not enough jobs in town so that people will be driving to Phoenix or Mesa or Chandler or Florence to work. He was trying to understand the balance. If there was one spot that should be easy to get General Commercial or Light Industrial, this would be it. This may be a larger discussion for another day.

Commissioner Simon agreed with Commissioner Alibrandi and felt that we are sometimes too quick to jump to infill projects with residential. He felt this was a large enough piece of land that it doesn't fall into an infill situation. He did not want Gilbert to end up as another bedroom community as we would be losing out on potential income down the road. If the site does sit empty for another 20 years, is that such a bad thing? He understood that we can pull tax money out of the initial build on residential, but wondered if there was the opportunity for some type of Light Industrial or Office on this site.

Vice Chair Bloomfield noted that we do not yet have a full design review package. There is a similar product across Warner from this area and he felt not enough was done as a Planning Commission to make sure that the rear yards were landscaped and the product was desirable. This will be for rent housing with the master HOA taking care of everything. The exhibit shows trees in every yard. He wanted to confirm that this really is the plan moving forward and not just a concept. He understood that the Commission will see this item again, but he wanted the applicant to know that is important to him. The housing shown was pretty basic entry-level housing and he felt that should be revisited to dress it up to meet with the Gilbert standard and to make sure it would be maintained over time and still be attractive 20 years down the road.

Commissioner Simon understood there would only be one egress point for residents as the second access would be gated for Fire access only. He was concerned with 166 units that there is only one egress point.

Chair Andersen, through his experience, believed the north access would be for Fire but would most likely also be for residential egress out of the site. He was in favor of the General Plan change and the rezoning case, although he was not in favor of the Design Review portion as he felt the back yards would be more inviting if they had walls. He asked if there were access gates to the back yards for Fire.

Mr. Rogers stated staff is still working with Fire regarding the Fire code due to the mix of single-family and multi-family.

Chair Andersen felt that was something that needed to be worked out in terms of Fire access for the homes. He understood the concept and this seems to be a hot product now and a lot of it is being built. He felt the design was not that impressive and the units appeared to be prefabricated or modular units.

The applicant advised that the units would be site built.

Chair Andersen felt there was a higher standard of design here in Gilbert. He would highly encourage the applicant to take another look at the design to make it look a little bit more residential. He felt even the clubhouse was not in character with the rest of the architecture.

Mr. Rogers will work with the applicant to address the issues raised by the Commission.

4. GP19-06: ACERO VAL VISTA, Request for Minor General Plan Amendment to change the land use classification of approx. 14.88 acres generally located at the northeast corner of Quartz Street and Melrose Street from Regional Commercial (RC) to Residential > 14-25 DU/ Acre.

Z19-18: ACERO VAL VISTA, Request to rezone approx. 14.88 acres generally located at northeast corner of Quartz Street and Melrose Street from Regional Commercial (RC) to Multi-Family-Medium (MF/M) zoning district.

Chair Andersen recused himself from the discussion on this item.

Senior Planner Nathan Williams presented the Acero Val Vista request for Minor General Plan Amendment and rezone from Regional Commercial (RC) to Multi-Family-Medium (MF/M). The site is just under 15 acres and is generally located at the northwest corner of Germann and Val Vista Roads and is more specifically described as Melrose and Quartz Streets. Campo Verde High School and Quartz Elementary are located to the west of the site, an existing congregate care facility to the north, a QT gas station to the east as well as a car wash, Dutch Bros. and some other retail pads along Val Vista to the east. This site is part of the overall 80-acre Regional Commercial Zoning District that was created when it was annexed into the town in 2007. It is not located in the San Tan Character Area, but in the Val Vista Medical Growth Area. The request is for a General Plan Amendment to >14-25 DU/Acre with Multi-Family-Medium zoning. The applicant is requesting conventional zoning which relates to the development standards in the Land Development Code for Multi-Family-Medium. If this request were to be approved, the Planning Commission would see it at the DR level in the future. A preliminary site plan was provided for reference only to show what this could potentially look like at a DR level, although this is not something that would be mandated through the zoning as it is a conventional zoning request. The Melrose alignment would need to be constructed from Val Vista to Quartz according to town standards as part of this approval. The site is not located on the arterial frontage of either Val Vista or Germann which does provide some level of transitional development between the commercial uses to the north and future Regional Commercial to the south. There have been a number of proposals on the overall 80 acres over the years and a multi-family component has been a part of that for a long time as was allowed through a use permit process that the town no longer has. Many of the renditions for this site were not as well-designed in terms of physical location and tended to not take into account that Melrose was a collector street. There is currently no recommendation from staff on this request, although Mr. Williams felt this was a much better design than we have seen on this site in the past. The Chamber of Commerce has provided a letter in support of this request as long as the requisite infrastructure development is provided.

Staff is requesting input from the Planning Commission regarding the General Plan Amendment and rezoning as well as the rebalancing of uses on the site.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Alibrandi expressed the same concern as in the prior agenda item regarding residential versus commercial and not having enough commercial property in the future.

Commissioner September advised that he met with the applicant regarding this proposal. He does like some elements and felt it was one of the better multi-family proposals staff has seen over the years. He liked the fact that this multi-family use would support the Val Vista Medical Growth area in terms of providing another option for housing in that area. He liked the idea that Melrose would be developed as part of this project.

Commissioner Simon noted that in the prior item he was against the downzoning, although this one he felt makes sense in this location and with the development of Melrose. He felt this project could be good for the overall area.

Vice Chair Bloomfield also liked the project. The whole area is zoned RC with commercial on the frontage of Val Vista where it should be. This is a nice transition and the project is sandwiched in between the high school and the commercial and medical complex. He felt it was a fine use in the location and felt there would have inevitably been some type of multi-family higher density residential here as part of the RC zoning. That is the nature of what we have seen through the town on RC zoning. He felt this was no surprise. It provides a framework to do it without having to do the cross access and trying to make it fit together. Melrose would have always provided that challenge and this plan kind of solves that issue.

5. GP19-13 VICTORY PLAZA: Request for Minor General Plan Amendment to change the land use classification of approx. 7.07 acres generally located at the southwest corner of Greenfield Rd. and Queen Creek Rd. from Residential >0-1 DU/Acre to Community Commercial (CC).

Z19-25 VICTORY PLAZA: Request to rezone approx. 7.07 acres generally located at the southwest corner of Greenfield Rd. and Queen Creek Rd. from Single Family-35 (SF-35) and Single Family-43 (SF-43) to Community Commercial (CC) zoning district with a Planned Area Development (PAD) overlay.

Planner Keith Newman presented Victory Plaza located at the southwest corner of Greenfield and Queen Creek Roads across from the South Area Service Center. The property is approximately 7 gross acres or 5.5 net acres. The proposal is for a Minor General Plan Amendment to change from Residential >0-1 DU/Acre to Community Commercial (CC) and a rezoning request to go from Single Family-35 and Single Family-43 to Community Commercial with a PAD overlay. The applicant is requesting a few deviations related to landscaping and building setbacks.

The development plan has three pad sites along the Queen Creek Road frontage with a couple fast food pads, a sit-down restaurant pad at the northeast corner and a strip retail building towards the south. The total square footage of all the buildings on the site is over 36,000 SF. The applicant is proposing to develop community-based retail development which they feel will support surrounding residents, employees of the South Area Service Center to the north as well as employees and visitors to the Gilbert Memorial Park and the funeral home. This will be one of the only commercial corners along Greenfield Road south of the 202. The applicant feels this development is highly needed in this location.

According to the Land Development Code, the requirement for the side building setback is 30 feet and the side landscape setback is 25 feet. The applicant is proposing that both of those setbacks be one and the same at 15 feet along the southern boundary. The proposed charter school south of the subject site has not yet submitted their construction permits. The applicant has stated that the charter school and the proposed commercial are compatible with each other and therefore feels the charter school does not need as much of a buffer along that south boundary. Staff is hesitant to support this deviation as construction of the charter school to the south has not yet commenced, although they plan to submit construction plans within the next several weeks. If the charter school moves forward, staff would be more supportive of that deviation request. Staff tends to agree with the applicant that the landscape area of 15 feet is wide enough to be able to plant trees and there is also a building

separation between the south property line and where the buildings are constructed of over 60 feet. If the charter school is not built, staff would be hesitant to support that deviation. The applicant would like to reduce the arterial to arterial landscape setback slightly and eliminate parking spaces. The applicant's justification for this request is that the site is constrained by its size and the drive aisle alignment requirements regarding the entrance on Greenfield Road have further constrained the site. Staff is not in support of this modification as it appears the applicant may be overbuilding the site a little bit and as a result cannot meet the minimum parking requirements. Staff has provided first review comments to the applicant that they may need to redesign the site to be able to fit the 11 parking stalls and potentially reduce the size of the strip building along the south to comply with the parking requirement. The properties at the northeast and northwest corners at this intersection have provided the 50' by 250' arterial to arterial intersection landscape setback. This is a standard that the town has not deviated from in the past. A neighborhood meeting was held on August 6 at a nearby school and 12 residents attended. There were a few concerns raised by those residents about changing the land use to commercial and the character of the site being surrounded by residential on the west, the proposed charter school on the south as well as a church across the street.

Staff is requesting input from the Commission on the overall design of the site and the requested deviations.

COMMISSION QUESTIONS/COMMENTS:

Vice Chair Bloomfield asked if one of the arterials was a major arterial with the other being minor.

Mr. Newman believed they were both major arterials although he was not 100 percent positive. If one was minor, it would be Greenfield.

Vice Chair Bloomfield's preference would be to not grant the variance regarding the 50' by 250' arterial intersection landscape setback. It seems that there is plenty of room to work it around and make it possible to meet that criteria. The applicant may have to work on reconfiguring the site layout a little bit although he believed they could make it happen. He liked the idea of there being a commercial pocket there especially close to the park. He noted that the northeast corner was commercial at one point and was changed to residential in the last couple of years. To Commissioner Alibrandi's point, that may have been a little short-sighted as we moved the park down there. Now we see this project coming in and looking to encroach onto the lower density area. It would have been preferred to take it up on the other side, but it is a much larger site and he is not sure there would have been enough justification for that much commercial. In that regard, he liked the site and felt it was a nice size and fits the area. He was generally in favor of the General Plan Amendment and zoning case, although had concerns regarding the 50' by 250' intersection landscape setback. If a variance was absolutely required, he would suggest that it go on the Greenfield side if that is a minor arterial to allow as much open space and buffer to the very busy street of Queen Creek.

Commissioner Mundt was concerned that they are starting out with a zoning change and then immediately looking for consolations. He agreed that it is a very nice location and given the park having some commercial there, it probably is prudent. From a strict zoning perspective, he thought it was acceptable. He felt the design should attribute a little more effort into making it work prior to asking for consolations.

Commissioner September felt the area was commercially underserved and he was okay with the General Plan Amendment and zoning change. He agreed with Commissioner Mundt and was not a big fan of the deviation request for the intersection landscape setback. These are two very busy roads and they will only get busier over time. That aesthetic that we enjoy at every other intersection is something that he would like to see the applicant adhere to with this project. With respect to the property to the south and its proposed development, it is good to hear that someone is submitting plans, but plans do not always turn into a development. That could change. Regarding the south setback being reduced to 15 feet, he felt there was a way to utilize landscaping to create a visual buffer. The case for the satellite earth station did a nice job with the trees to create that canopy effect. He would like to see something along those lines if that is something the applicant would entertain.

Commissioner Alibrandi appreciated Commissioners Mundt and September's comments about asking for zoning changes and also looking for some sort of accommodation. On the flip side, he appreciated the honesty of the

applicant in what they are looking for rather than having those requests made at the last minute. He liked the comments to find a way to stay within compliance. It is his philosophy that there better be a really good reason for an exception and there better be something in it for the town.

6. GP19-14 MELROSE COMMERCIAL: Request for Minor General Plan Amendment to change the land use classification of approx. 5.03 gross acres generally located at the northeast corner of Val Vista Drive and Melrose Street from Business Park (BP) to General Commercial (GC).

Z19-26 MELROSE COMMERCIAL: Request to rezone approx. 5.03 gross acres generally located at the northeast corner of Val Vista Drive and Melrose Street from Business Park (BP) zoning district with a Planned Area Development (PAD) overlay to General Commercial (GC).

Planner Sydney Bethel presented Melrose Commercial, request for a Minor General Plan Amendment and rezone. The subject site is approximately five gross acres zoned Business Park with a PAD overlay located at the northwest corner of Val Vista Drive and Melrose Street. In this area, the Acero Val Vista was presented earlier in the agenda for a zoning change to multi-family. The subject site is located within the Val Vista Medical Growth Area. The intent in this area is for medical offices supporting a hospital. This Growth Area was created after the hospital was constructed in 2006, which then spurred development along with the 202 Freeway. Back in 2004 before the hospital was constructed, the area was mostly farm land and single-family homes.

The request is for a Minor General Plan Amendment from Business Park (BP) to General Commercial (GC) and a rezoning from Business Park (BP) with a PAD overlay to conventional General Commercial (GC). The site would be pulled out of the existing Planned Area Development and the applicant is not requesting any deviations. The applicant has provided a site plan for reference only as this is not a PAD request. The reason for the rezoning request and the GP is to allow for two drive-through restaurants and a fueling station. Business Park does allow restaurants as long as they do not front arterials, although drive-throughs and gas stations are not permitted. General Commercial is being proposed in order to allow these uses. Elevations were provided for reference only. The applicant's reasons for the change is that they would like to have commercial elements to support the existing medical offices and hospital, to provide a service to the area along with a gas station to serve residents on their way to the 202 Freeway. Letters of support for this project have been provided by the Chamber of Commerce as well as adjacent property owners.

Staff is requesting general feedback from the Commission on the zoning change as well as the change from employment to commercial in the Val Vista Medical Growth Area.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Simon thought this was a great use for this piece of property. The northbound traffic heading to the 202 in the morning needs services.

Vice Chair Bloomfield stated that back when development started in this area and the hospital was built, there was a mad dash to do a whole bunch of General Plan and zoning changes there. The town took it over and decided to form an overall plan for the area. Staff has held to this plan very diligently and it is developing out nicely. As the economy is coming back and there is a lot of construction going on around the hospital, he was a little torn as to whether or not to hold tight to that General Plan, the Growth Area and all of the planning that took place 15 years ago. He felt this was a piece that made the most sense to do that. He was still on the fence for this proposal.

7. DISCUSSION OF REGULAR MEETING AGENDA:

Chair Andersen recommended that a few items on the non-consent agenda be moved to the consent calendar if there were no requests to speak on those items from the public. Those items are 18. GP19-11 and 19. Z19-23 for The Murphy and 20. GP19-12 and 21. Z19-24 for Val Vista Square.

The Commission agreed to move those items to the Consent Calendar if there was no public comment.

ADJOURN STUDY SESSION

With no further business before the Commission, Chair Andersen adjourned the Study Session at 6:25 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary

DRAFT

TOWN OF GILBERT
PLANNING COMMISSION - REGULAR MEETING
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
December 4, 2019

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
Noah Mundt
Scott September
Jän Simon
Philip Alibrandi, Alternate

COMMISSION ABSENT:

David Cavenee
Les Smith
Nathan Mackin, Alternate

STAFF PRESENT:

Sydney Bethel, Planner II
Josh Rogers, Planner II
Amy Temes, Senior Planner
Nathan Williams, Senior Planner
Eva Cutro, Planning Division Manager
Nancy Davidson, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Brigette Peterson

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	VOTE
Nathan Williams	DR19-115	3	Approved
Nathan Williams	DR19-120	8	Approved
Stephanie Bubenheim	DR19-136	3	Continued
Sydney Bethel	UP19-40/UP19-41/DR19-119	4	Continued
Keith Newman	UP18-42	4	Continued
Sydney Bethel	GP19-11/Z19-23	4	Approved
Amy Temes	GP19-12/Z19-24	6	Approved

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the December 4, 2019 Regular Meeting of the Planning Commission to order at 6:36 p.m.

PLEDGE OF ALLEGIANCE

Chair Andersen led the Pledge of Allegiance.

ROLL CALL

Recording Secretary Dana Desing called roll and determined that a quorum was present.

8. APPROVAL OF AGENDA:

Chair Andersen noted that during the Study Session the Commission discussed moving Items 18. GP19-11 and 19. Z19-23, The Murphy, and Items 20. GP19-12 and 21. Z19-24 Val Vista Square from the Non-Consent Calendar to the Consent Calendar. As Item17. DR19-120 ADOT San Tan is being requested to be continued to

January, he recommended that item also be moved over to the Consent Calendar. He asked if any members of the public wished to speak regarding any of those items listed. There were no requests to speak.

Chair Andersen advised that a Comment Card was submitted for Item 12. DR19-120 Bill Luke Santan Phase 2 and that item will be moved from the Consent Calendar to the Non-Consent Calendar in order to take public comments.

Chair Andersen called for a motion to approve the agenda.

MOTION: Vice Chair Bloomfield moved to approve the Agenda, moving Item 12. DR19-120 to the Non-Consent Agenda and adding Items 17. DR19-120, 18. GP19-11, 19. Z19-23, 20. GP19-12 and 21. Z19-24 to the Consent Agenda; seconded by Commissioner Mundt.

Motion passed 6-0.

COMMUNICATIONS

9. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

There were no requests to speak.

10. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS:

On behalf of the Mayor and Council, Councilmember Brigette Peterson provided members of the Planning Commission with folders in honor of the town's Centennial in 2020. She expressed her appreciation for all the Commissioners do for the town.

On Friday evening, December 6, the Gilbert Fire and Rescue versus Gilbert Police softball game will be held at Cactus Yards from 5:30 to 6:30 p.m. followed by a kickball game that will include kids. It is a free event and donations will be collected for the clothing and toy drives.

Riparian After Dark will be held on Friday and Saturday nights from December 6 to 21 from 5:30 to 9 p.m. at the Riparian Preserve located at Guadalupe and Greenfield Roads. It is a great event with lighted holiday decorations, luminaries and live entertainment.

The Gilbert Giving Machines will again be located under the Water Tower. Last year, the machines were only located in five cities around the world, including Gilbert, which raised \$860,000 with two machines. This year, Gilbert will have four machines and others will be located in 10 cities around the world. Through these Giving Machines, donations can be made at different levels to five local charities as well as international charities around the world. It is a wonderful way to give back without going very far.

Starting in January, the Town Council meetings will be moved from Thursday to Tuesday evenings. As town staff works Monday through Thursday and the Council meetings can run late into the evening, it was decided to move the Council meetings to the first and third Tuesdays of the month.

Councilmember Petersen advised that she will not be able to attend the upcoming Planning Commission meeting on December 18. She wished everyone a Merry Christmas and a Happy New Year.

Eva Cutro, Planning Division Manager, clarified that a special meeting of the Planning Commission will be held regarding the General Plan on December 18, 6 p.m. at the Southeast Regional Library. The General Plan requires two separate public meetings at two different locations.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Andersen read the Consent Agenda and noted that Items 13. DR19-136, 14. UP19-40, 15. UP19-41, 16. DR19-119 and 17. UP18-42 were to be continued to January 8, 2020. Item 12. DR19-120 was removed from the Consent Calendar for public comment.

Chair Andersen opened the public hearing. With no requests to speak, he closed the public hearing.

Vice Chair Bloomfield asked for clarification as to whether the Commission could vote on General Plan items and zoning items under the same motion under the Consent Calendar.

Nancy Davidson, Assistant Town Attorney, confirmed that all of the Consent Agenda items could be voted on under one motion.

11. DR19-115, PERFECTION GRANITE: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approx. 0.98 acres, generally located within the Fuller Commercial Center at the southeast corner of Melba Ct. and Merrill Ave., and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR19-115, Perfection Granite: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 0.98 acres, generally located within the Fuller Commercial Center at the southeast corner of Melba Ct. and Merrill Ave., and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay, subject to the following conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 4, 2019 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. If needed, amendments to the previously approved Comprehensive Sign Plan will require Administrative Design Review approval prior to submitting for sign permits. Building score lines are not considered architectural elements and will allow for placement of future wall signage.
4. All building drainage shall be internalized; all roof-mounted mechanical equipment shall be fully screened and there shall be no exposed roof ladders on any exterior building elevations.
5. The secondary egress from the subject site to Merrill Avenue shall be designated via signage to be "Do not enter/Exit Only".

13. DR19-136 FLOWER CHILD: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2 acres, generally located on the northwest corner of Santan Village Parkway and Williams Field Road, and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Move to continue DR19-136, Flower Child to January 8, 2020.

- 14. UP19-40 POWER & RAY STORAGE-OUTDOOR:** Request to approve a Conditional Use Permit for approx. 9.81 acres generally located at the northeast corner of Bluejay Drive and Orchid Lane to allow Storage, Personal Property (Outdoor) in the Light Industrial (LI) zoning district.

STAFF RECOMMENDATION

Move to continue UP19-40, Power and Ray Storage to January 8, 2020.

- 15. UP19-41 POWER & RAY STORAGE-INDOOR:** Request to approve a Conditional Use Permit for approximately 9.81 acres generally located at the northeast corner of Bluejay Drive and Orchid Lane to allow Storage, Personal Property (Indoor) in the Light Industrial (LI) zoning district.

STAFF RECOMMENDATION

Move to continue UP19-41, Power and Ray Storage to January 8, 2020.

- 16. DR19-119, POWER & RAY STORAGE:** Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 9.81 acres, generally located at the northeast corner of Bluejay Drive and Orchid Lane, and zoned Light Industrial with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Move to continue DR19-119, Power and Ray Storage to January 8, 2020.

- 17. UP18-42 PH50400A-ADOT SAN TAN:** Request to approve a Conditional Use Permit within a 600 square foot lease area generally located at the southwest corner of Williams Field Road and the 202 Freeway within the ADOT right-of-way to permit a Wireless Communication Facility (65 foot high) in the Public Facility/Institutional (PF/I) zoning district.

STAFF RECOMMENDATION

Move to continue UP18-42 PH50400A ADOT San Tan to January 8, 2020.

- 18. GP19-11 THE MURPHY:** Request for Minor General Plan Amendment to change the land use classification of approx. 1.5 gross acres generally located west of the northwest corner of Cooper and Guadalupe Roads from the Light Industrial (LI) to Community Commercial (CC).
- 19. Z19-23 THE MURPHY:** Request to rezone approx. 1.5 gross acres generally located west of the northwest corner of Cooper and Guadalupe Roads from the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay to Community Commercial (CC) zoning district with a PAD overlay.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP19-11 The Murphy, to change the land use classification of approx. 1.5 acres, generally located west of the northwest corner of Cooper and Guadalupe Roads from Light Industrial (LI) to Community Commercial (CC) land use classification; and,
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to Z19-23 The Murphy rezoning approx. 1.5 acres generally located west of the northwest corner of Cooper and Guadalupe Roads from Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay to Community Commercial (CC) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.
- At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
 - Association (HOA) or Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. "Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat."
 - Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
 - The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

LDC Development Standards	Development for The Murphy PAD CC
Minimum Building Setbacks (ft.)	
Front (Street)	10'
Rear (Non-Residential)	13'
Minimum Required Perimeter Landscape Area (ft.)	
Front (Street)	7'
Rear (Non-Residential)	0'
Separation Fencing	Not Required when Adjacent to an Industrial District (west)

20. GP19-12 VAL VISTA SQUARE: Request for Minor General Plan Amendment to change the land use classification of approx. 9.1 acres generally located southeast of the southeast corner of Val Vista Drive and Pecos Road from Regional Commercial to Residential >25-50 DU/Acre.

21. Z19-24 VAL VISTA SQUARE: Request to amend Ordinance No. 2380 pertaining to the Val Vista Square Planned Area Development (PAD) and to rezone approx. 34.1 acres generally located southeast of the southeast corner of Val Vista Drive and Pecos Road from approx. 34.1 acres of Regional Commercial (RC) with a Planned Area Development (PAD) overlay to approx. 25.0 acres of Regional Commercial (RC) and 9.1 acres of Multi-Family/High (MF/H), all with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

- A. Recommend to the Town Council approval of GP19-12 Val Vista Square, to change the land use classification of approx. 9.1 acres, generally located southeast of the southeast corner of Val Vista Drive and Pecos Road from Regional Commercial to Residential >25-50 Du/Acre land use classification; and,
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to Z19-24 Val Vista Square rezoning and amending approx. 34.1 acres within the Val Vista Square Planned Area Development (PAD) and generally located southeast of the southeast corner of Val Vista Drive and Pecos Road from approx. 34.1 acres of Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay to approx. 25.0 acres of Regional Commercial (RC) and 9.1 acres of Multi-Family/High (MF/H) zoning district, all within a with a Planned Area Development (PAD) overlay, subject to the following conditions.

Ordinance No. 2380 relating to the Val Vista Square PAD shall be amended in part to modify minimum common open space requirements, to prohibit separation fencing, to allow a gate arm for parking control in projects that have assigned parking, and to read in its entirety as follows (additions shown in underlined):

Conditions “a” through “m.” of Ordinance No. 2380 relating to the Val Vista Square PAD shall remain in full force and effect and are incorporated into this Ordinance by reference. Condition l is modified as follows:

- l. The Project shall be developed in conformance with Gilbert’s zoning requirements for the zoning district and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

	Modified Standards
Building Setback to Market Street	20’
Landscape Setback to Market Street	20’
Parking spaces between parking islands	10 spaces
<u>Minimum common open space within MF/H</u>	<u>25%</u>

<u>Separation fencing</u>	<u>Prohibited</u>
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Note 1: All buildings with frontage on Val Vista Drive and Pecos Road shall be subject to a 25' setback, as required by the LDC.

Note 2: All setbacks except the street front setbacks are considered internal to the overall PAD/Master Site Plan and therefore are 0' per Town standards.

Note 3: A gate arm is permitted for parking control in projects that have assigned parking.

Ordinance No. 2380 relating to the Val Vista Square PAD is further amended by adding new conditions "n." through "s." related to aircraft overflight requirements, which shall read as follows:

- n. Construction of an east bound right turn deceleration lane at the intersection of Rome Street and Pecos Road is required to be constructed prior to the first certificate of occupancy.
- o. The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of development approval.
"This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."
- p. All final subdivision plats and public reports filed with the Arizona Department of Real Estate shall include the notice described in condition "o."
- q. Sales and leasing offices established for residential development projects shall provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice shall consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales or leasing office at each project. The sign shall be installed prior to commencement of sales or leases and shall not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in condition "n." with letters of at least one (1) inch in height.
- r. The developer should incorporate features into the design and construction of buildings where people live, work, or are otherwise received to achieve an outdoor-to-indoor noise level reduction of 25 decibels.
- s. The airspace protection policies are intended to ensure compliance with federal law, as described in Title 14, Code of Federal Regulations (CFR) 14, Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace. Any of these hazards within the 14

CFR Part 77 require FAA review. Potential hazards outside of the 14 CFR Part 77 should be coordinated with the FAA to ensure safety.

MOTION: Vice Chair Bloomfield moved to approve the Consent Agenda for Items 11. DR19-115, 13. DR19-136, 14. UP19-40, 15. UP19-41, 16. DR19-119, 17. DR19-120, 18. GP19-11, 19. Z19-23, 20. GP19-12 and 21. Z19-24, as recommended; seconded by Commissioner Alibrandi.

Motion passed 6-0.

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

12. DR19-120 BILL LUKE SANTAN PHASE 2: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approx. 8.29 acres, generally located within the Santan Motorplex at the northwest corner of Speedway Drive and Motorplex Loop, and zoned General Commercial (GC) with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION

Approve the Findings of Fact and approve DR19-120 Bill Luke Santa Phase 2: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.29 acres, generally located within the Santan Motorplex at the northwest corner of Speedway Drive and Motorplex Loop, in the General Commercial (GC) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the December 4, 2019 public hearing.
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. If needed, amendments to the previously approved Master Sign Program will require Administrative Design Review approval prior to submitting for sign permits. Building score lines are not considered architectural elements and will allow for placement of future wall signage.
4. All building drainage shall be internalized; all roof-mounted mechanical equipment shall be fully screened and there shall be no exposed roof ladders on any exterior building elevations.

Senior Planner Nathan Williams noted that a neighbor wished to speak on this item regarding existing wells on neighboring properties to the west as well as lighting issues. An Addendum was provided to the Staff Report with an additional condition related to the well situation. He believed the applicant and neighbors were comfortable with that condition. The Town Engineering Division is working with the applicant to minimize the impacts related to the dry wells along the western property boundary close to the existing wells adjacent to the site.

The photometric plan demonstrates that it is in compliance with the Code, although the neighbor would like some additional shielding and minimization of the lights along the western property boundary where the landscape buffer is located. Mr. Williams stated the applicant was happy to do that. That may be addressed as

an additional condition to reduce the intensity of the lights or to provide additional shielding or whatever solution the applicant and neighbors would be comfortable with.

Chair Andersen invited the applicant to make a presentation.

Applicant John Mahoney, 850 W. Elliot Road, Suite 108, Tempe, stated the project is an expansion to the existing project across the street. He advised that the building's primary use will be inventory management of cars. The employees will be doing online shopping for cars across the country which are then reconditioned and sold. The recondition work will not be done in this building. The vehicles will be examined to determine what type of work is needed, such as body work or upholstery repair, and then the vehicles will be moved to the existing building across the street where that work will be done. After the necessary work is completed, the vehicles will be brought back to this building to be photographed so they can be sold either on the sales lot in Gilbert or at other facilities around the Valley. Staff had advised him this morning that neighbors had two concerns. One was the adjacency of dry wells to the neighbors' well site and the other had to do with lighting.

Mr. Mahoney reported that the civil engineers have been doing some research and there was some conflicting information between the Arizona Water Resource records and the County Assessor as to the exact location of the well site. Staff has been researching the separations and other criteria and he assured that they will meet or exceed those requirements. He acknowledged that they may need to move a couple dry wells. Given more time to explore the matter, they will look at other options for where to place the underground retention on the site so that it is not even near the west property line. Unfortunately, the site slopes to the southwest corner naturally and we don't want to build that grade up adjacent to the neighbors as that will raise lights and everything else. Given time to explore where the well is and some design solutions, he was comfortable that they can come up with something that staff would approve and that the neighbors would be comfortable with. The lighting across the board in this development is held at a 14-foot height and the light level is quite low at zero or less at the western property line with the current submittal. The average illumination level across the entire site is 4.6 foot-candles and the maximum is 18.9. Through a brief conversation with the neighbors prior to the hearing tonight, their concern is not as much with light spill onto their property but looking up and seeing the glare of the full cut-off lens. He had offered to place a house shield around the back side of those fixtures on the western boundary line. That would not change the photometric, but would cut the glare from the fixture.

PUBLIC COMMENT:

Chair Andersen invited Jim Maroney to speak.

Jim Maroney is a neighbor on the adjacent property representing the 147th Place Trust. He does not own the well, although the well head is actually in the corner of his property and serves 9 properties along the west border. There is no other way to get water to those homes. There is no city water down the road in front of those houses. He did appreciate the addendum that was written to address the concerns of protecting that well. In terms of the light fixtures, he felt that has come to a resolution, as Mr. Maroney stated, with not only full cut-off fixtures but shielded fixtures. The current proposed photometrics do show light spillage over the common wall between the two properties. Sitting on his back porch he does not want to see a light fixture. Some residents have been there since it was farm fields. The neighbors were not opposed to the development, although they would like some consideration of their well and the lights. The only other issue is the usage of the property prior to construction or even during construction with dust considerations. There has already been some parking on that property and the dust levels are huge. He wanted to confirm that no parking would be done until there is an improved surface of some sort. Until the applicant gets into construction documents and works out the details, that is all the neighbors can address at this point. As property owners, we are concerned about noise, the number of semi-trucks and the time of day they will be dropping off cars right on the property line. It has already become an issue. He was not sure what could be done about it other than voicing the neighbors' concerns.

Chair Anderson invited the applicant to respond to the neighbor's comments.

John Mahoney, Applicant, was confused with the comment about the photometrics indicating light spill onto their property. He did not believe that was the case. The photometric plan was brought up on the screen and Mr. Mahoney pointed out the zero indications along the west side of the project. Those points were 7 feet inside of the wall. With regard to transports, he noted that transport drivers were independent haulers out of his control. There is a gate on the west side of the existing facility with a guard station. The transports are bringing cars into that site, unloading, and then exiting the gate on the east side in the adjacent property that has already been developed. He did not believe the transports would be on the subject site. Mr. Luke could better speak to operations. They have not designed for a transport route on this site, although there are certainly fire lanes and trash lanes. They have been highly conscious on the existing project that those transports will not have to make turns inside the property because it is very difficult to do and it takes up a lot of valuable space. He hoped that would address the neighbor's concerns.

COMMENTS/QUESTIONS FROM THE COMMISSION:

Chair Andersen asked staff if the Addendum regarding the dry wells addressed the neighbor's concerns.

Mr. Williams believed the Addendum sufficiently addressed the concern regarding the wells by making sure the applicant will work with the town engineer to try to minimize those impacts. Options could include moving the location of the underground storage or pushing the dry well further to the east. The condition calls for working out solutions with the engineer prior to construction documents. In terms of the lighting, he suggested adding another condition noting the suggestions for additional shielding for those light fixtures along the western property line. He was not sure whether any of the other light fixture would need shielding.

Vice Chair Bloomfield noted the question from the neighbor Mr. Maroney on dust control and traffic on the site. He asked if the site was being utilized now or is there open access where teenagers could enter the site.

Mr. Williams has been told by the neighbors that there is use on the site. Maricopa County Environmental Services would be the one to have to enforce if there are violations of those regulations for dust. That would be his suggestion in terms of an enforcement mechanism prior to construction. When this is constructed, it will be concrete and there will not be much dust. Improper use of the site would be a town Code enforcement issue and that would be the mechanism for the neighbors to report to the town.

Vice Chair Bloomfield noted if that is the case it could be as simple as hauling in some decomposed granite which would be used underneath the asphalt anyway to control the dust.

Commissioner September asked if it would be incumbent upon Gilbert Code Enforcement or the neighbor to contact Maricopa County Dust Control.

Mr. Williams believed that it would be incumbent upon the neighbors to report the violation.

Attorney Davidson advised that for dust control the neighbors would contact the County and for any lighting issue the neighbors would contact the town Code Enforcement.

Commissioner September wanted to make sure the neighbors leave the meeting with the knowledge of the appropriate path to deal with the dust that is happening now.

Chair Andersen noted that for construction the applicant would go to the county to pull a dust control permit to control that during construction. He asked how that could be controlled on a vacant lot as a good portion of Arizona is vacant and dust kicks up. Would Maricopa County enforce that?

Mr. Williams noted that if something is going on on the site and violations are reported to Maricopa County they will go out and assess the situation.

Chair Andersen felt the key point was whether something was going on on the site or was the complaint just due to the site being vacant. If the site remains vacant for the next 10 years, does the owner have to control dust?

Commissioner September felt the complaint was that there was someone actively driving trucks on the property creating a dust issue.

Some neighbors in the audience confirmed that there were semi-trucks constantly parking on the site behind their property creating the dust.

Mr. Williams advised that the town Code Enforcement would be the one to determine if there was improper use of the site and Maricopa County would be the one to enforce dust control. It was his understanding that it would be incumbent on the neighboring property owners to report those issue to those agencies.

Chair Andersen noted this is a design review case and that is not something the Commission could stipulate. The neighbors would need to contact those agencies to file a complaint.

Councilmember Petersen advised that code enforcement issues could be reported through the 311 app and that photos could be uploaded. There is also a link for 311 on the Town of Gilbert website.

With no further public comment, Chair Andersen closed the public hearing.

There was no further discussion at the dais and Chair Andersen called for a motion.

Planning Division Manager Eva Cutro advised that the Addendum and any stipulations or conditions related to shielding of the lights would need to be specifically read into the record as part of any motion.

MOTION: Vice Chair Bloomfield moved to approve the Findings of Fact and approve DR19-120 Bill Luke Santan Phase 2: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 8.29 acres, generally located within the Santan Motorplex at the northwest corner of Speedway Drive and Motorplex Loop, in the General Commercial (GC) zoning district with a Planned Area Development (PAD) overlay, subject to conditions in the Staff Report, and subject to the Addendum and additional conditions as follows:

5. The Town of Gilbert Engineering Division shall continue to coordinate with the applicant/developer to ensure that any regulatory requirements related to spacing between dry wells and existing private well facilities directly adjacent to the subject site are addressed before permitting.
6. The applicant/developer shall coordinate with Town Staff to provide additional house shielding of light fixtures along the west side of the property.

The Motion was seconded by Commissioner Alibrandi.

Motion passed 6-0.

Chair Andersen thanked the neighbors for coming out and voicing their concerns.

ADMINISTRATIVE ITEMS

- 22. Planning Commission Minutes** - Consider approval of the minutes of the Study Session and Regular Meeting of November 6, 2019.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of November 6, 2019; seconded by Commissioner Mundt.

Motion passed 6 -0.

COMMUNICATIONS

23. Report from Chairman and Members of the Commission on current events:

Commissioner Mundt reported that he visited the town's new ninja course at Desert Sky Park with his kids. He highly recommended that people warm up before attempting the challenging course. He and his kids felt the new park was awesome.

24. Report from Planning Services Manager on current events:

Eva Cutro gave a reminder for the Planning Commission special meeting on December 18, 6 p.m. at the Southeast Regional Library regarding the General Plan.

Ms. Cutro reported that the 60-day review period for the General Plan ends this Friday, December 6, and comments will be accepted through that date.

ADJOURNMENT

Chair Andersen wished everyone a Merry Christmas and Happy New Year. Chair Andersen adjourned the meeting at 7:13 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary